

## CHAPTER XXVIII.

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### ACQUISITION OF LAND FOR PUBLIC PURPOSES.

Until 1857 there was no law for enabling Government to take possession of land. But the following extract shows the principle that was formerly observed, on the assumption that all land is the property of Government :—

“The right of Government to appropriate all lands that may be required for public purposes should be strictly upheld, but this right should in no case be exercised to the detriment of any private person, without fully and fairly reimbursing him for the loss, as well as the inconvenience he may sustain by removal. And if there be an owner of land so taken up, the ownership should be purchased at its full market value, or land of fully equal value should be given in exchange.”—*G. R. No. 2320, March 31, 1849.*

On this principle Act VI. of 1857 was passed. This was superseded by Act X. of 1870, which is still in force. Some of the orders passed under the old Act are given as likely to be useful.

#### **1. Rules under Section 59, Act X. of 1870.**

(1) Whenever it shall appear to the Collector desirable that the Government revenue or *haks* of any kind shall be remitted in payment or part payment of the compensation to be awarded for land taken under this Act, he shall estimate the value of such revenue or *haks*, and deduct it from the estimated compensation to be awarded to the owner of the land.

(2) If the land has been surveyed and assessed under Act I. of 1865, or when it bears an assessment according to existing practice, the value of the Government claims shall be calculated at not less than twenty-five times the survey assessment; but houses, trees, crops, wells, and improvements, shall be estimated separately on the best information available to the Collector.

(3) When the land to be taken has not been surveyed and assessed under Act I. of 1865, or does not bear an assessment according to existing practice, the Collector shall assess it on the best information he can procure, and the value of the Government

claims on such lands shall be calculated at not less than twenty-five times the assessment fixed by the Collector, with the approval of the Revenue Commissioner.

(4) When making an award of compensation under Section 42 of Act X. of 1870, the Collector or Court shall record separately the compensation under the first clause of Section 24 of the Act which concerns the market value of the land, and the compensation under the 2nd, 3rd, and 4th Clauses.

(5) The procedure required for a reference under Section 15 shall be applicable to a reference under Section 43.

(6) When the amount of compensation to be awarded under Section 43 (for temporary occupation of land) has been fixed, and there is dispute as to the division of the amount among the persons interested, the Collector shall refer such dispute to the Court for decision, and the procedure prescribed by Section 39 shall be applicable.

(7) Any informality in the proceedings of the Collector or Court under this Act shall not vitiate the award unless the interests of any party or parties are injuriously affected thereby.—*Govt. Gazette, March 13, 1873.*

**2. Instructions as to Act X of 1870.**—No provision is made in the Act for the delegation, by the Collector, of any of his powers to a Deputy or Assistant Collector: no such delegation is lawful.

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4. When land is required for public purposes in any other case, the officer requiring it should, in the first instance, consult the Collector of the district, and obtain from him the fullest possible information as to the probable cost of the land, per acre or otherwise, together with the value of buildings, &c., situated on the property, and for which compensation will have to be paid. Upon the information thus obtained, an estimate should be framed by the said officer, and submitted through the proper channel for sanction. When sanction to an estimate, framed as above directed, has been obtained, the said officer should commit the matter to the Revenue officer, who will take the necessary preliminary action for the appropriation of the land under the Act, or for its acquisition by private negotiation, subject to the instructions which he may receive from the Revenue authorities to whom he is subordinate.

'The sanction will be communicated by Government to the chief officer of the Department through which the reference has been made, and also to the Revenue Commissioner, and Controller of Public Works Accounts, or the Accountant General, as the case may be; and the Government order will also state against what particular item of the budget the expenditure is to be charged.

'5. When the estimate originally framed and sanctioned is likely, when the land comes to be acquired, to be materially exceeded, the Revenue officer shall refer the matter again to the officer concerned to ascertain whether the object sought cannot be otherwise secured, either by obtaining some other plot of land in lieu of that originally proposed for acquisition, or in some other manner. When such a reference is made, the said officer should, in personal communication with the Revenue officer, consider the case, and, if it is found impossible to obtain the land required without materially exceeding the original estimate, should submit a revised estimate for sanction.

'6. Whenever it is thought necessary or expedient that steps should be taken for the acquisition of the land under the Act, an application to that effect should be submitted, with the reasons for the same, by the Collector, through the ordinary channel, to Government in the Revenue Department.'

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In ordinary cases, the demarcation and measurement required by Section 8 of the Act will answer all the purposes which the provisions of Sections 4 and 5 are designed to serve under peculiar circumstances. Should any such circumstances exist, they should be reported to Government by the Collector, or Head of the Department, with a view to the publication of a notification under Section 4; and, upon such publication, the following rules will be observed :—

(8) The conduct of the preliminary investigation will, unless otherwise specially ordered, fall into the hands of the chief local representative of the Department or Company, for the use of which the land is required. In the case of lands required for Local or Municipal purposes, the Collector of the district, or one of his Assistants or Deputies, will be the representative of the Municipality or Local Fund Committee.

(9) The officer entrusted with the preliminary investigation should first prepare a draft notification in form A, for issue under

Section 4 of the Act, and submit it to Government, through the Collector.

(10) After publication of the notification in the *Government Gazette*, due notice of the substance of such a notification will be publicly given by the Collector at convenient places in the locality, and he must invariably apprise the officer entrusted with the preliminary investigation of the issue of the public notice prescribed by Section 4. It is illegal for such officer to commence his investigation until he is certified of such issue of the notice.

(11) After having been informed of the issue of the public notice from the Collector, the officer entrusted with the preliminary investigation will proceed to examine the land according to Section 4, and to prepare a map or plan of the land in accordance with prescribed rules, and make it over to the Collector, who shall prepare the draft declaration under Section 6. He will take care to tender payment for all damage under Section 5.

(12) The investigation to be made by the Collector in cases referred to him under Section 5 is a summary one. He must be guided by the result of a local inquiry, which he may make either in person or by deputy. He will himself, however, be held responsible for the award made by him, and if the claim be for any sum exceeding Rs. 300, the inquiry should be conducted by an Assistant or Deputy Collector, but the award must be made by the Collector himself.

(13) When no preliminary investigation is considered necessary under Section 4, the Collector, on being applied to by the Consulting Engineer for Railways, or other responsible executive officer, and on being furnished with the plan of the land required, and other requisite particulars, shall prepare the draft declaration for submission to Government.

(14) Although the particular land to be acquired must be described in the declaration under Section 6, the law does not require that its precise boundaries or area should be exactly specified. The declaration should be so generally worded that no impediment may afterwards arise from its terms to the appropriation of all the land that can possibly be required. In other respects, the declaration should be as precise, and should contain as accurate a specification of the boundaries as possible.

(15) When issuing the declaration, Government will at the same time direct the Collector or one of his Assistants to take order for the acquisition of the land. The Collector in making his report should mention the name of the Assistant he wishes to take order under Section 7.

(16) After the issue of the declaration, the officer who was entrusted with the preliminary investigation, or in case no such investigation shall have been held, some officer on behalf of the Department or Company for which the land is required, such Department not being the Revenue Department, shall, if it has not already been done, mark out the boundaries of the land, and furnish the Collector with a plan or map of it, prepared according to rule. The Collector will then proceed to have the plan carefully tested by a competent Surveyor, and if error or discrepancy is apparent, shall correct it.

(17) If the land be required for the Revenue Department, the necessary demarcation and the preparation of the map will be carried out by an officer deputed for the purpose by the Collector.

(18) When the Collector or other officer vested with powers under Section 3 shall have satisfied himself that the plan is correct, he will proceed to ascertain the rates of rent paid, and will record them, and will appraise the value of the land, houses, wells, trees, or crops, or improvements upon it. The Collector may delegate to an Assistant or Deputy the inquiry here contemplated.

(19) As soon as the above operations are completed the notices described in Section 9 should be issued, and subsequent proceedings taken in accordance with the law.

(20) The Collector's attention is drawn to the 4th rule of the rules dated 13th March 1873, which directs the Court to make a separate finding, under the first head of Section 24, for the calculation of the additional compensation.

(21) An award by a Collector cannot, if made in accordance with the provisions of the law, be subsequently amended by any authority. Officers should, therefore, be most careful, before making an award, to take all precautions to avoid error or oversight.

(22) Section 16 empowers the Collector, or other officer vested under Section 3, to take possession of the land as soon as he has made an award or a reference to the Court, and the Act empowers no one else to do so. Occupation of such land by any other officer or person without written authority from the Collector, is

illegal, and the limitation prescribed by the latter clause of Section 58 will not apply to any suit that may be instituted against the offender. When the land has been taken up, possession should be given by the Collector to an officer nominated, in writing, to receive it by the Railway Company, Executive Engineer, or other authority on whose behalf the application was originally made, and to no other person.

(23) In cases of urgency, Section 17 allows occupation by the Collector, under special orders from Government, before award or reference. But the Collector must offer compensation for crops and trees on such land. This section applies to "waste and arable" land only, and not to land occupied by roads, tanks, buildings, &c.

(24) The assessor to be nominated by the Collector under Section 19 should be, as a rule, an officer of Government specially selected for that purpose.

(25) The Collector is personally responsible for the disbursement of the amount as soon as it falls due, under sections 40 to 42. If the amount to be disbursed is likely to exceed the funds at the Collector's command, he should take timely steps for obtaining the necessary supply of money before the date on which payment becomes due, but payment must, in any case, be made when due.

(26) When the lands have been held heretofore free of rent, in cash or kind, or on a quit-rent, on condition of the performance of some public service, the Collector should, if necessary, refer the matter to the Commissioner to obtain instructions for the representation before the Court making the award of the Government interest involved in the apportionment of the compensation, in respect to its lien, for the purposes of the public service.

(27) The Collector must disburse all costs of measurement under Section 8. Costs under Sections 4 and 5 will be disbursed by the officer entrusted with the preliminary investigation.

(28) The Act does not authorize the Collector, whether the award shall have been made by himself or by the Court, to make any portion of the payment in the form of an abatement of the Government revenue. But by rules passed by Government provision has been made to that effect, and the Collector must, before proceeding to determine the amount of compensation, decide, after careful consideration, whether any portion of the payment should be made in the form of such abatement, and must pay strict attention to the rules of 13th March 1873. He will be guided

in his decision by the next paragraph and, in cases referred by him to the Civil Court for adjudication, he shall communicate his decision on this point to the Court, which is bound by it.

(29) When the land is acquired for Government, the account to which the compensation money is debited should also be charged with the value of the Government revenue abated, and such amount should be credited *per contra* under the head of land revenue.

(30) When land is acquired for Municipalities and Companies, they must, in cases when compensation has been made, partly or wholly by an abatement of revenue, pay to Government, in addition to the cash compensation awarded, the value of such abatement calculated at not less than 25 years' purchase.

(31) Under Section 42, an additional compensation of fifteen per cent. on the *market value* not the total award, is to be paid to the owners of the land occupied.

(32) In temporary occupation of land, all the procedure required by para. 13 of the instructions will apply. Generally, also, the same procedure will apply as in cases of land taken permanently.

(33) The officer of any Company for whom Government may undertake to acquire land will, when authorized under Section 4, proceed according to the instructions already given. Under Section 50, the agreement must appear in the *Gazette of India* as well as in the local *Official Gazette*.

(34) The award of the Collector under Section 54 must be made on a summary inquiry, but a record should be kept. The Collector's order is final.

(35) When the case has been appealed, it will be submitted with Statement F, and will show the award as finally determined. As soon as the time for appeal has passed, the Collector shall forward to Government the information contained in Appendix G.

(36) Whenever a special officer is deputed for taking up lands for public purposes, as for a railway, canal or road, he will be supplied with funds by the Controller of Public Works Accounts, by means of credit orders, and will render to that officer monthly accounts of expenditure, as prescribed for a civil disbursing officer. In all other cases, the Collector will make the necessary disbursements from his general treasury balance, and will enter the expenditure in his cash account, under the head to which it is properly debitible for adjustment by the Accountant General.

(37) Alienations of land under this Act should be carefully noted in the village maps and registers.

(38) Under Section 13, clause 3, of the Indian Registration Act, every receipt for Rs. 100 or more of compensation paid under Act X. of 1870, must be registered. Separate receipts for less than Rs. 100 need not be registered, even though they concern one plot of ground and aggregate Rs. 100 or more.

(39) Although the Collector is vested with full power under the Act, he is to act under the general instructions of the Commissioner.—*G. R. Nos. 1108, Feb. 26, 1873, and 634, Feb. 6, 1879.*

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**3. Land for State Railways.**—The rules as to acquiring land for State Railways are given in G. of I. No. 21, Oct. 12, 1881. They refer chiefly to the proceedings of the Engineers, and it is only necessary here to give a few of the rules, viz :—

II.—Railway officers shall not obtain possession of land whether by purchase, lease, or on simple toleration, except through the revenue authorities.

VI. Land to be taken up temporarily will be principally for side-cuttings and spoil banks, and will generally adjoin the land required permanently ; it will as a rule be also permanently taken up by Government and subsequently disposed of when no longer required.

XIII. When land is no longer required for the Railway, it will be re-transferred to the Revenue authorities and disposed of by them. All contemplated changes in the land occupied by a railway should be reported to the Local Government ; and it will be for the latter to see that the necessary steps are taken by the Revenue authorities for entering such changes in their records and for carrying out all further requisite proceedings.

XIV. In Native States all land will be obtained through the Political Agent, and the distinction of temporary and permanent need not be observed ; but this will not make it the less incumbent on the officials concerned to see that all land not permanently required for the purposes of the railway is restored when no longer wanted, and to keep as complete records of the land retained for railway purposes in Native States as in British territory. Such plans and schedules as the Political Agent may require will be supplied by the Railway Engineers.

"The points upon which information is asked by \_\_\_\_\_ are (1) should compensation for temporary and permanent land be fixed separately; (2) should boundary marks be put up to distinguish the temporary from the permanent land?

"On the first point, it must be remembered that the occupancy is only of necessity temporary in so far as the Railway is concerned. Rule VI. of circular 21 Railway, of 12th October 1881 (communicated to Revenue Department by Government Resolution No. 2755 of 4th November 1881) is the guide in the matter.

"The practice in other parts of India is for Government to acquire all the land permanently as a rule and subsequently when the Railway is completed, and the temporary land is surrendered to dispose of the latter.

"On the second point the practice is for the Railway to cut distinct nicks marking the limits of the permanent and of the temporary land. On the completion of the works the nick of the permanent land is replaced by a fence generally, or if the line is not fenced the nick is widened and deepened into a ditch which forms a sufficiently distinct boundary mark. This practice is found to answer perfectly well and to be sufficient."—*Govt. Memo., P.W.D., No. 2054, Oct. 20, 1882, with G. R. No. 7683, Nov. 2, 1882.*

[The following old rules appear to be in force in most respects, though it is now essential that land be not entered on until properly acquired.]

#### 4. Rules as to Railway lands.—

*Rules for the guidance of Revenue Officers to enable them to make over Land required for Railway purposes, and to settle other matters connected therewith.*

(1) After the trial survey is made and the scheme sanctioned surveyors proceed to stake out the line; in this operation the local authorities should give every assistance, and should allow them to cut such trees as are on the exact line, and also warn the villagers against removing the pegs.

(2) When the final survey is finished, the line staked out on the ground, and the plan sent in, Government sanction is given to the construction of the works and handing over the land.

(3) The land-plans furnished to the Collectors will show all fences and details, and the centre line, from which one chain (66 feet) is set off on each side, and all ground in addition that may

be permanently required, such as for stations or unusually high banks.

(4) With these plans and schedules of fields which have also been ordered, the revenue authorities can find no difficulty, with the pegs on the ground, in measuring the quantity of land occupied.

(5) If, during the construction of the works, the contractor require the temporary use of any more land, say for quarries of ballast or stone, he should be allowed to have it on application to the Collector, and he will pay for its use 15 rupees per beega.

(6) Surveyors, or others under the Collector's orders, should proceed to measure the quantity of land encroached upon, and to clear without delay from this belt of land everything of any value, such as trees, crops, houses, &c., dispose of these, and arrange the compensation with the owners; should any portion be wild and jungly, and the Collectors consider that no loss would fall on Government and the work be expedited by giving over the land at once to the contractor, he can do so, the contractor being then allowed to retain the timber, or whatever may be on the ground, to reimburse him the cost of clearing.

(7) Compensation will have also to be paid for all rights invaded and damage done, so that the Railway Company may be placed in free possession of the land; but the Railway Company will be liable for any damage done by the contractor while the work is proceeding, and afterwards, arising from bad designs, such as fields being flooded by insufficient waterway having been allowed.

(8) The Assistant Collectors should at the same time, in communication with the Resident Engineer, dispose of any reasonable demands of villagers for communications across the line; whenever banks are high enough to give headway (say 10 feet) girder openings might be left; and for level-crossings public roads to have double gates to shut across the roads and the railways; ordinary occupation crossings to have a gate on each side.

(9) Where the line crosses any watercourses irrigating much land, culverts will have to be provided, and at the same time such escapes above the crossing-places that in floods the railway may not run any risk of injury.—*G. R. No. 705, July 23, 1858.*

5. **Private arrangement.**—Even when land *must* be had for public purposes the compulsory process under the Act should not, unless under peculiar circumstances, be resorted to

until efforts have been made to obtain the land by private purchase.—*G. R. No. 957, March 11, 1868.*

6. Lands are not to be taken up by public officers except with the consent of the owners, otherwise than in accordance with law. Should this rule be neglected, it will be for Government to decide whether the costs of legal proceedings which may result from any illegal occupation of lands, should be borne by Government or the officer by whose order the land was taken.—*G. R. No. 1789, March 24, 1875.*

7. Matters relating to the acquisition of land for public purposes should be disposed of by the Assistant in charge of the taluka, and not through the intermediate agency of Native officials. Personal examination of the ground and a prompt tender of fair compensation would often effect a satisfactory settlement.—*G. R. No. 158, Jan. 14, 1867.*

8. When a public work is first designed and estimated for, the owners would consider themselves liberally dealt with if their land were paid for at the rate (say) of 10 rupees an acre; but after it becomes known that Government has sanctioned the work, and that it must therefore proceed at any cost, and when perhaps the demand for labour and supplies consequent on the initiation of the work has raised prices, nothing less than 30 or 40 rupees an acre suffices to satisfy the proprietors.

If greater promptitude were exhibited in settling for lands required for public purposes, before the normal position of the local market becomes disturbed by the commencement of the work, large sums might be saved to the State; and it has been suggested that district officers, as soon as the general line of a work is fixed, and before ground is broken, should be authorized in rural districts to settle then and there with the proprietors of all villages whose lands will be traversed by the work, the rate of compensation per acre, both cash and remission of revenue, to be paid for each locally well-established class of soil, for any lands that may, when the work is taken in hand, be appropriated for its purposes. Special compensation for trees, wells, or houses would still remain for careful adjustment subsequently, but even in that case the greatest promptitude should be exercised in settling all claims before the people acquire an exaggerated notion of the value of their property—*G. of I. No. 1-624, July 30, 1874.*

9. In all cases of purchases of immovable property for Government a deed of sale should be executed by the vendor. If the price of the property exceeds Rs. 100 the deed must be registered. The Collector must arrange for the vendor to pay for the stamps, unless this would interfere with the transaction being concluded.—*G. R. No. 1481, March 22, 1878.*

NOTE.—A form is given with the Resolution.

10. In the case of land being taken up for Government by private negotiation without money payment, it is sufficient to take a rázináma in the usual form.—*G. R. No. 2535, May 17, 1878.*

11. **Public Works Officers.**—There are only two courses open to officers of the Public Works Department in respect to the taking up of land.

Either the consent of the proprietor must be obtained by negotiation, or the assistance of the Collector secured in accordance with the provisions of Act X. of 1870.

Any officer of the Public Works Department who unauthorisedly occupies land will do so at his own risk.

In regard to land required for furnishing material for the repairs of existing roads, it is desirable that the Executive Engineers in the several districts point out to the Collectors the precise localities at which they propose to obtain the material; and the Collectors will then endeavour either to purchase the land, or to rent it in perpetuity. Executive Engineers can of course, if they prefer to do so, make their own arrangements with the proprietors.

It is the duty of the Collector and Magistrate, who is armed with ample powers, to see that lands are not unauthorisedly entered upon by railway officials or any one else.—*G. R. No. 2388, May 18, 1871, No. 1449, March 28, 1872, and No. 1789, March 24, 1875.*

12. **Superior and inferior tenants.**—[The following order is given to show the principles as to the mutual rights of superior and inferior tenants: the rates of compensation will now only apply where the people have had but little experience of public works.]

In the settlement of compensation for alienated land taken for public purposes, it will be desirable generally to give other lands of equal value to those resumed; but in all cases the rights of the Inámdár and the rights of the occupant must be separately considered and compensated.

In many cases it may be possible to compensate the Inámdár by the grant of Government land in exchange, leaving the occupancy right only to be compensated in money; in other cases both the Inámdár and occupant may receive land in exchange.

In villages wholly or permanently alienated, a sum not exceeding 20 years' purchase of the assessment lost calculated on the average receipts of the preceding ten years would be sufficient, and in partially alienated villages held under hereditary tenure the compensation would be *pro rata*.

In villages held on service tenure compensation similarly calculated might be granted.

*Value of a Life Annuity of  
One Rupee per annum.*

Ago.	Value.
Under 10 .....	Rs. 13
10 to 20 .....	12½
20 to 25 .....	12
25 to 30 .....	11½
30 to 35 .....	11
35 to 40 .....	10½
40 to 45 .....	10
45 to 50 .....	9½
50 to 55 .....	9
55 to 60 .....	8
60 to 65 .....	7
65 to 70 .....	6
Above 70 .....	5

In alienated village in which the holders have only a life-interest, the value of the assessment lost, to be estimated as in the first clause, might be calculated according to the scale noted in the margin, which is that according to which petty annual payments are to be commuted.

The proprietary right in appropriated inám and mirás land might be purchased at its market value, which of course will vary in different localities, but may be estimated in rural districts at 20 years' purchase of the assessment, or, if preferable, land of equal value might be given elsewhere in exchange.

In exceptional cases the sub-tenant has rights to compensation distinct from those of the Inámdár. This compensation must be separately assigned, but in such a case the rights of the occupant and Inámdár combined would as a rule be only of equal value with the rights claimable by the Inámdár *alone* when there is no distinct sub-tenancy. Twenty years' assessment should therefore be fixed as the valuation for both rights together, and cases in which higher compensation is considered necessary must be treated specially.

When land held on service tenure is appropriated, other land of equal value might be given in exchange, unless a cash payment for performance of the service be considered preferable.

Gatkuli lands, cultivated by ryots paying assessment but possessing no proprietary interest in the soil,—mere tenants at will hold-

ing from year to year,—may be appropriated without the grant of any compensation beyond what may be required to reimburse the owner for any crop destroyed or injured by the appropriation.

Compensation to survey occupants of land taken up for the railway is to be calculated at five years' assessment as the minimum, and, except in special cases, ten years' assessment as the maximum; but it is not possible to lay down a scale perfectly just in every case. Five years' assessment may be sufficient for a man whose lease is nearly at an end, and who has done nothing to improve the value of his land; on the other hand, a ryot may have originally taken up waste land, and dug a well in it, or otherwise improved it with much trouble and at great expense, and he may be at the beginning of his thirty years' lease, so that in his case even ten years' assessment may not be enough.—*G. R. No. 2902, Sept. 2, 1858, No. 4483, Dec. 31, 1858, No. 1306, April 8, 1859.*

**13. Temporary occupation of land.**—The rules for the temporary occupation of land during the construction of roads are as follows:—

(1) If occupied for less than six months, the assessment on the land should be remitted.

(2) If occupied for longer than six months, the local revenue officers should appoint a Committee to ascertain the loss incurred by the tenant, and to fix the amount of compensation.

(3) Public Works officers should be careful not to occupy land temporarily unless clearly necessary, and if so occupying it they should restore it to the tenant at the earliest possible date.—*G. R. No. 637, March 20, 1865.*

14. When land is taken temporarily for cholera camps, it should, if possible, be dry moorum soil unfit for cultivation. If culturable land must be taken the Collector should make an agreement with the proprietor to take temporary possession of it on payment of a fair amount for rent and damage to crop.—*G. R. No. 2749, June 28, 1865.*

**15. Cost of establishment.**—When Deputy Collectors already in the service of Government are specially engaged for a prolonged period in the acquisition of land for a large project, their pay and establishment charges may, if considered desirable, be treated as a portion of the cost of acquiring the land, and as an item of expenditure on the project for which the land has been

acquired. But to admit of a proper control being exercised over the charges, as well as to limit the period of the employment of the establishment, when the estimates for a project are submitted for the sanction of the Government of India it must be noted in the estimate what the actual cost of the land will amount to, distinct from the establishment and other charges attendant on the acquisition of the land, and debitible to that head.

With the estimate a separate schedule should be submitted, showing the establishment required for taking up land, and its probable cost. The amount of this schedule should be the limit for the guidance of the Controller in his audit of charges for establishment for land, any excess being dealt with under the rules relating to excess outlay.

These rules do not apply to ordinary cases of civil establishment employed in taking up land as a portion of their regular duties, in which case the cost of the establishment is adjusted as a charge of the Civil Department.—*G. of I. No. 67, Nov. 11, 1873.*

**16. Appointment of Assessors.**—In proceedings under the Act, revenue officers must exercise care in the selection of the assessor appointed on behalf of Government, who should be an officer whose position in the service and character afford assurance that the interests of Government will be firmly, though reasonably, maintained.—*G. R. No. 3380, Sept. 30, 1867.*

**17. Exchanges of land.**—In all cases of exchanges in lieu of land taken up for public purposes, the sanction of the Commissioner is necessary.—*G. R. No. 1910, March 24, 1877.*

**18. Payment and registration.**—In the case of land taken for public purposes the Collector should defer payment of the award until all the documents connected with the case have been duly registered.—*G. R. No. 438, Feb. 1, 1869.*

**19. Application of the Act.**—The declaration required by the Act cannot be made with reference to any lands which it is intended to reconvey to individuals for private buildings as this use does not come under the definition of a public purpose. The language of the Act is wide, but its provisions authorize only the

taking up of lands which it is intended afterwards to set apart for the use of the public.—*G. R. No. 2337, June 12, 1869.*

20. **Local Funds.**—Local Funds cannot be deemed to be public revenues for the purposes of Sec. 6 of Act X. of 1870. Government therefore refused to sanction the acquisition under that Act of a piece of land which it was proposed to pay for out of Local Funds.—*Leg. Rem. and Adv. Genl. with G. R. No. 255, Jan. 14, 1882.*